



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,336	03/12/2004	Gary S. Henderson	MSFT122459	6236
26389 7590 10/15/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
LE, MIRANDA				
ART UNIT		PAPER NUMBER		
2169				
MAIL DATE		DELIVERY MODE		
10/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/799,336

Applicant(s)

HENDERSON ET AL.

Examiner

MIRANDA LE

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to Amendment, filed 10/11/07.

Claims 1-11 are pending in this application. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by
Donohue (US Patent No. 6,199,204).**

As per claim 1, Donohue teaches a method for controlling the installation behaviors of a computing device during a software update installation, the method comprising:

obtaining software update information to be installed on the computing device
(i.e. If all required resources are available locally or on another machine (in the case of software relying on some pre-requisite software operating on a remote machine), and have been verified, then the updater component progresses to the step 310 (see FIG. 4) of building the updated software version. If not, the update component must obtain the required resources, col. 9, lines 51-67), the software update information comprising a software update (i.e. The growth policy definition may also include a parameter determining that updating of pre-requisite software products should be requested when

required to maintain synchronization with the current product, col. 9, lines 37-43), a rule for applicability of the software update (i.e. the update policy, col. 9, lines 44-50), and an installation attribute for controlling the installation of the software update (i.e. instructions for installation which are downloaded together with the program code required for the update, col. 4, lines 23-36; and

determining whether the software update is applicable to the computing device (i.e. a comparison between available software updates and installed software on the local computer system to identify which are relevant to the installed software, compares the available relevant updates with update criteria held on the local computer system (these update criteria are predefined for the current system or system user), and then automatically downloads and applies software updates which satisfy the predefined criteria, col. 4, lines 14-22) and if so;

selectively modifying the installation behavior of the computing device according to the installation attribute (i.e. building the updated software version, col. 9, lines 51-67); and

installing the update on the client computer according to the modified installation behavior (i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65).

As per claim 2, Donohue teaches the method of claim 1, wherein the installation attribute comprises a mandatory installation attribute (*i.e. the software product to be*

updated may be a word processor application program. If the word processor as sold missed certain fonts or did not include a thesaurus, patches may subsequently be made available for adding these features. The updater component has the capability to add these to the word processor, subject to the update criteria, col. 10, lines 16-22); and

wherein selectively modifying the installation behavior of the computing device according to the mandatory installation attribute comprises disallowing the user of the computing device to selectively not install the software update on the computing device (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order

for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 6, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of McLlroy et al. (US Patent No. 6,701,521).

As per claim 6, Donohue teaches a computer-readable medium having computer-executable instructions which, when executed on a client computing device, carry out a method for controlling the installation behaviors of the computing device during a software update installation, the method comprising the steps of:

obtaining software update information to be installed on the computing device (*i.e. If all required resources are available locally or on another machine (in the case of software relying on some pre-requisite software operating on a remote machine), and have been verified, then the updater component progresses to the step 310 (see FIG. 4) of building the updated software version. If not, the update component must obtain the required resources, col. 9, lines 51-67*), the software update information comprising a software update (*i.e. The growth policy definition may also include a parameter determining that updating of pre-requisite software products should be requested when required to maintain synchronisation with the current product, col. 9, lines 37-43*), a rule for the applicability of the software update (*i.e. the update policy, col. 9, lines 44-50*), and an installation attribute operable for controlling the installation of the software update (*i.e. instructions for installation which are downloaded together with the program code required for the update, col. 4, lines 23-36*;

selectively modifying the installation behavior of the computing device according to the installation attribute (*i.e. building the updated software version, col. 9, lines 51-67*); and

installing the update on the client computer according to the modified installation behavior (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65*).

Donohue does not explicitly teach determining whether the sweep date is applicable to the client computing device.

McLlroy teaches this limitation (*i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35)*).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue and McLlroy at the time the invention was made to modify the system of Donohue to include the limitations as taught by McLlroy. One of ordinary skill in the art would be motivated to make this combination in order to have a user may specify a period of time that must expire before the updates is installed in view of McLlroy (col. 20, lines 25-35), as doing so would give the added benefit of performing automatic selection and updating of software application version efficiently, as taught by McLlroy (col. 19, lines 15-18).

As per claim 4, Donohue does not explicitly teach the installation attribute comprises a deadline installation attribute; and

wherein selectively modifying the installation behavior of the computing device according to the deadline installation attribute comprises;

determining whether the deadline for the deadline installation attribute has passed, and if so, automatically installing the software update without further user interaction.

McLroy teaches:

wherein the installation attribute comprises a deadline installation attribute (*i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35);* and

wherein selectively modifying the installation behavior of the computing device according to the deadline installation attribute comprises (*i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35);*

determining whether the deadline for the deadline installation attribute has passed, and if so, automatically installing the software update without further user interaction (*i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35).*

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue and McLroy at the time the invention was made to modify the system of Donohue to include the limitations as taught by McLroy. One of ordinary skill in the art would be motivated to make this combination in order to have a user may specify a period of time that must expire before the updates is installed in view of McLroy (col. 20, lines 25-35), as doing so would give the added benefit of performing automatic

selection and updating of software application version efficiently as taught by McLroy (col. 19, lines 15-18).

As per claim 7, Donohue teaches the computer-readable medium of claim 6, wherein the installation attribute associated with the software update comprises a mandatory installation attribute (*i.e. the software product to be updated may be a word processor application program. If the word processor as sold missed certain fonts or did not include a thesaurus, patches may subsequently be made available for adding these features. The updater component has the capability to add these to the word processor, subject to the update criteria, col. 10, lines 16-22*); and

wherein selectively modifying the installation behavior of the computing device according to the mandatory installation attribute comprises disallowing the user of the computing device to selectively not install the software update on the computing device (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65*).

As per claim 9, McLroy teaches the computer-readable medium of claim 6, wherein the installation attribute associated with the software update comprises a deadline installation attribute (*i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35)*; and

wherein selectively modifying the installation behavior of the computing device according to the deadline installation attribute comprises *(i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35);*

determining whether the deadline for the deadline installation attribute has passed, and if so, automatically installing the software update without further user interaction *(i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35).*

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of McLlroy et al. (US Patent No. 6,701,521), and further in view of Slivka et al. (US Patent No. 6,256,668).

As per claim 8, Donohue teaches the computer-readable medium of claim 6, wherein the installation attribute associated with the software update comprises a priority installation attribute *(i.e. The growth policy definition may also include a parameter determining that updating of pre-requisite software products should be requested when required to maintain synchronization with the current product, col. 9, lines 37-43);* and

wherein selectively modifying the installation behavior of the computing device according to the priority installation attribute *(i.e. building the updated software version, col. 9, lines 51-67).*

Donohue, McLlroy do not specifically teach temporarily increasing the network bandwidth request for downloading the software update's content.

Slivka teaches increasing the network bandwidth request for downloading the software update's content (*i.e. A different access method is typically chosen to provide the most efficient and greatest bandwidth data transfer between the update service computer and the user computer, col. 9, lines 44-6*).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue, McLlroy, and Slivka at the time the invention was made to modify the system of Donohue, and McLlroy to include the limitations as taught by Slivka. One of ordinary skill in the art would be motivated to make this combination in order to have the user update application creates a new directory 104 on the user computer, where the computer software is transferred and stored in view of Slivka (col. 9, line 63 to col. 10, line 7), as doing so would give the added benefit of having the downloaded computer software is an installation application that will be used later by the user to install the computer software as taught by Slivka (col. 9, line 63 to col. 10, line 7).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of McLlroy et al. (US Patent No. 6,701,521), in view of Slivka et al. (US Patent No. 6,256,668), and further in view of Bankay et al. (US Patent No. 5,787,153).

As per claim 11, Donohue teaches a method for controlling the installation behaviors of a computing device during a software update installation according to associated installation attributes, the method comprising the steps of:

obtaining software update information to be installed on the computing device (*i.e. If all required resources are available locally or on another machine (in the case of software relying on some pre-requisite software operating on a remote machine), and have been verified, then the updater component progresses to the step 310 (see FIG. 4) of building the updated software version. If not, the update component must obtain the required resources, col. 9, lines 51-67*), the software update information comprising a software update (*i.e. The growth policy definition may also include a parameter determining that updating of pre-requisite software products should be requested when required to maintain synchronization with the current product, col. 9, lines 37-43*), a rule for the applicability of the software update (*i.e. the update policy, col. 9, lines 44-50*), and an installation attribute operable for controlling the installation of the software update (*i.e. instructions for installation which are downloaded together with the program code required for the update, col. 4, lines 23-36*);

determining whether the installation attribute is a mandatory installation attribute, and if so, modifying the installation behavior of the computing device (*i.e. building the updated software version, col. 9, lines 51-67*) with respect to the software update such the user of the computing device is prevented from selectively not installing the software update on the computing device (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65*);

determining whether the installation attribute is a priority installation attribute (*i.e. The growth policy definition may also include a parameter determining that updating of*

pre-requisite software products should be requested when required to maintain synchronisation with the current product, col. 9, lines 37-43), and if so, modifying the installation behavior of the computing device with respect to the software update (i.e. building the updated software version, col. 9, lines 51-67);

modifying the installation behavior (i.e. the resources comprise patch code for modifying an existing program (e.g. for error correction) and the patch's installation instructions, col. 7, line 55 to col. 8, line 11) of the computing device with respect to the software update such that the software update will be automatically installed on the computing device without user interaction (i.e. a comparison between available software updates and installed software on the local computer system to identify which are relevant to the installed software, compares the available relevant updates with update criteria held on the local computer system (these update criteria are predefined for the current system or system user), and then automatically downloads and applies software updates which satisfy the predefined criteria, col. 4, lines 14-22);

modifying the installation behavior of the computing device (i.e. building the updated software version, col. 9, lines 51-67) with respect to the software update such that the software update will be automatically installed on the computing device without user interaction (i.e. without requiring any interaction by the user after an initial agreement of update criteria, col. 3, line 65 to col. 4, line 13) if the computing device is properly configured (i.e. a comparison between available software updates and installed software on the local computer system to identify which are relevant to the installed software, compares the available relevant updates with update criteria held on the local

computer system (these update criteria are predefined for the current system or system user), and then automatically downloads and applies software updates which satisfy the predefined criteria, col. 4, lines 14-22); and

installing the update on the client computer according to the modified installation behavior (i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65).

Donohue does not explicitly teach:

determining whether the installation attribute is a deadline installation attribute, and if a deadline corresponding the deadline installation attribute has passed.

McLlroy teaches determining whether the installation attribute is a deadline installation attribute, and if a deadline corresponding the deadline installation attribute has passed (i.e. a user may specify a period of time that must expire before the updates is installed (col. 20, lines 25-35).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue and McLlroy at the time the invention was made to modify the system of Donohue to include the limitations as taught by McLlroy. One of ordinary skill in the art would be motivated to make this combination in order to have a user may specify a period of time that must expire before the updates is installed in view of McLlroy (col. 20, lines 25-35), as doing so would give the added benefit of performing automatic selection and updating of software application version efficiently as taught by McLlroy (col. 19, lines 15-18).

Donohue, McLlroy do not explicitly teach:

by temporarily increasing the network bandwidth request for downloading the software update's content;

Slivka teaches temporarily increasing the network bandwidth request for downloading the software update's content (*i.e. A different access method is typically chosen to provide the most efficient and greatest bandwidth data transfer between the update service computer and the user computer, col. 9, lines 44-6*).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue, McLlroy, and Slivka at the time the invention was made to modify the system of Donohue, and McLlroy to include the limitations as taught by Slivka. One of ordinary skill in the art would be motivated to make this combination in order to have the user update application creates a new directory 104 on the user computer, where the computer software is transferred and stored in view of Slivka (col. 9, line 63 to col. 10, line 7), as doing so would give the added benefit of having the downloaded computer software is an installation application that will be used later by the user to install the computer software as taught by Slivka (col. 9, line 63 to col. 10, line 7).

Donohue, McLlroy, Slivka do not explicitly teach:

determining whether the installation attribute is a zero service interruption (ZSI) installation attribute.

Bankay teaches determining whether the installation attribute is a zero service interruption (ZSI) (*i.e. zero for a service interruption of any duration, col. 3, lines 1-5*).

It would have been obvious to one of ordinary skill in the art having the teaching of Donohue, McLlroy, Slivka, Bankay at the time the invention was made to modify the system of Donohue, McLlroy, Slivka to include the limitations as taught by Bankay. One of ordinary skill in the art would be motivated to make this combination in order to determine the timing of a transfer and to plan the operations for the transfer in advance of the actual transfer in view of Bankay (col. 2, lines 40-49), as doing so would give the added benefit of the on-line monitoring of transfer options allows the administrator to restart or terminate the transfer if an error occurs as taught by Bankay (col. 2, lines 34-39).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of McLlroy et al. (US Patent No. 6,701,521), in view of Bankay et al. (US Patent No. 5,787,153).

As per claim 10, Donohue teaches selectively modifying the installation behavior of the computing device (*i.e. building the updated software version, col. 9, lines 51-67*); determining whether the computing device is configured to automatic installation, and if so, automatically installing the software update without further user interaction (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65*).

Donohue, McLlroy teach wherein the installation attribute associated with the software update but does not teach a zero system interruption (ZSI) installation attribute; and

Donohue, McLlroy do not specifically teach selectively modifying the installation behavior of the computing device according to the ZSI installation attribute if it is determined that a ZSI installation attribute is associated with the software update comprises:

determining whether the computing device is configured to automatic installation of ZSI software updates, and if so, automatically installing the software update without further user interaction.

Bankay teaches these limitations (ZSI) (*i.e. zero for a service interruption of any duration, col. 3, lines 1-5*).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue, McLlroy, Bankay at the time the invention was made to modify the system of Donohue, McLlroy to include the limitations as taught by Bankay. One of ordinary skill in the art would be motivated to make this combination in order to determine the timing of a transfer and to plan the operations for the transfer in advance of the actual transfer in view of Bankay (col. 2, lines 40-49), as doing so would give the added benefit of the on-line monitoring of transfer options allows the administrator to restart or terminate the transfer if an error occurs as taught by Bankay (col. 2, lines 34-39).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of Slivka et al. (US Patent No. 6,256,668).

As per claim 3, Donohue teaches the installation attribute associated with the software update comprises a priority installation attribute (*i.e. The growth policy definition may also include a parameter determining that updating of pre-requisite software products should be requested when required to maintain synchronisation with the current product, col. 9, lines 37-43*); and

wherein selectively modifying the installation behavior of the computing device according to the priority installation attribute (*i.e. building the updated software version, col. 9, lines 51-67*).

Donohue does not explicitly teach temporarily increasing the network bandwidth request for downloading the software update's content.

Slivka teaches increasing the network bandwidth request for downloading the software update's content (*i.e. A different access method is typically chosen to provide the most efficient and greatest bandwidth data transfer between the update service computer and the user computer, col. 9, lines 44-6*).

It would have been obvious to one of ordinary skill of the art having the teaching of Donohue, and Slivka at the time the invention was made to modify the system of Donohue to include the limitations as taught by Slivka. One of ordinary skill in the art would be motivated to make this combination in order to have the user update application creates a new directory 104 on the user computer, where the computer software is transferred and stored in view of Slivka (col. 9, line 63 to col. 10, line 7), as doing so would give the added benefit of having the downloaded computer software is

an installation application that will be used later by the user to install the computer software as taught by Slivka (col. 9, line 63 to col. 10, line 7).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (US Patent No. 6,199,204), in view of Bankay et al. (US Patent No. 5,787,153).

As per claim 5, Donohue teaches selectively modifying the installation behavior of the computing device (*i.e. building the updated software version, col. 9, lines 51-67*); determining whether the computing device is configured to automatic installation, and if so, automatically installing the software update without further user interaction (*i.e. The updater component thus automatically processes installation instructions, avoiding the input from a person which is conventionally required, col. 10, lines 51-65*).

Donohue teaches wherein the installation attribute associated with the software update but does not specifically teach the installation...comprises a zero system interruption (ZSI) installation attribute; and

wherein selectively modifying the installation behavior of the computing device according to the ZSI installation attribute if it is determined that a ZSI installation attribute is associated with the software update comprises:

determining whether the computing device is configured to automatic installation of ZSI software updates, and if so, automatically installing the software update without further user interaction.

Bankay teaches these limitations (ZSI) (*i.e.* zero for a service interruption of any duration, col. 3, lines 1-5).

It would have been obvious to one of ordinary skill in the art having the teaching of Donohue, Bankay at the time the invention was made to modify the system of Slivka to include the limitations as taught by Bankay. One of ordinary skill in the art would be motivated to make this combination in order to determine the timing of a transfer and to plan the operations for the transfer in advance of the actual transfer in view of Bankay (col. 2, lines 40-49), as doing so would give the added benefit of the on-line monitoring of transfer options allows the administrator to restart or terminate the transfer if an error occurs as taught by Bankay (col. 2, lines 34-39).

Response to Arguments

With respect to claims 1-11, Applicants have amended the independent claims 1, 6, 11 to distinguish from the cited arts; however, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo, can be reached on (571) 272-3677. The fax number to this Art Unit is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Miranda Le/

Primary Examiner, Art Unit 2169